

AM  
06/24/04  
Item No. 74

AN ORDINANCE

**99381**

AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CITY CODE OF SAN ANTONIO, TEXAS TO PROHIBIT POSSESSION OF AN OPEN CONTAINER OF AN ALCOHOLIC BEVERAGE OR THE PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON OR IN A PUBLIC STREET OR ON PUBLIC PROPERTY WITHIN TWELVE (12) FEET OF A PUBLIC STREET IN THE KING WILLIAM HISTORIC AREA OF THE CENTRAL BUSINESS DISTRICT OF THE CITY OF SAN ANTONIO; DEFINING THE INTENDED AREA; PROVIDING A PENALTY FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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WHEREAS, the City Council has determined that the presence of open containers and the public consumption of alcoholic beverages on and near public streets in the King William area of the central business district of the City of San Antonio is a risk to the health and safety of the citizens of the San Antonio; and

WHEREAS, public consumption of alcoholic beverages is already prohibited in other areas of the central business district of the City of San Antonio; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 4 of the City Code of San Antonio, Texas is amended to add a new Section 4-4.3, as follows:

**Sec. 4-4.3 Consumption of alcoholic beverages on or near public streets in the King William area of the central business district.**

- (a) A person commits an offense if the person:
- a. is on a public street or on public property within twelve (12) feet of a public street in the King William area of the central business district, as defined by subsection (b), and
  - b. possesses a container for an alcoholic beverage that is not sealed (an "open container") or consumes an alcoholic beverage.

(b) For purposes of this section, the "King William area" of the central business district is defined as follows: beginning at the intersection of East Durango Boulevard and the east bank of the San Antonio River; thence, south and east following the east bank of the San Antonio River to its intersection with the Southern Pacific Railway railroad right-of-way; thence, east along the Southern Pacific Railway railroad right-of-way to its intersection with South Presa Street; thence, north on South Presa Street to its intersection with East Durango Boulevard; thence, west along East Durango Boulevard to its intersection with the east bank of the San Antonio River, the place of beginning; SAVE AND EXCEPT any of the land included within the boundaries of the King William Park.

(c) This section does not prohibit or otherwise control the manufacture, sale, distribution, transportation or possession of alcoholic beverages.

(d) The city manager is authorized to erect and post signs in and around the King William area forewarning persons that possession of an open container or the consumption of alcoholic beverages on a public street or on public property within twelve (12) feet of a public street is prohibited.

(e) An offense under this section is a Class C misdemeanor.


SECTION 2. This ordinance is effective on June 25, 2004.

SECTION 3. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter.


PASSED AND APPROVED on this the 25<sup>th</sup> day of June, 2004.



City Clerk

  
MAYOR  
EDWARD D. GARZA

APPROVED AS TO FORM:

  
City Attorney